

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:17-cv-06335-AKH**

Brennan Center for Justice et al v. U.S. Department of Justice et al
Assigned to: Judge Alvin K. Hellerstein
Cause: 05:552 Freedom of Information Act

Date Filed: 08/21/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Brennan Center for Justice**

represented by **Allison Murphy**
Protect Democracy
2020 Pennsylvania Ave. NW
Suite #163
WASHINGTON
Washington, DC 20006
202-253-7166
Email: allison.murphy@protectdemocracy.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carl Nicholas Wedoff
Jenner & Block LLP (NYC)
919 Third Avenue, 39th Floor
New York, NY 10022
(212)-891-1653
Fax: (212)-891-1699
Email: cwedoff@jenner.com
ATTORNEY TO BE NOTICED

Katherine Anne Rosoff
Jenner & Block LLP (NYC)
919 Third Avenue, 39th Floor
New York, NY 10022
(212)-303-2584
Email: krosoff@jenner.com
ATTORNEY TO BE NOTICED

Jeremy Micah Creelan
Jenner & Block LLP (NYC)
919 Third Avenue, 39th Floor
New York, NY 10022
(212)-891-1623
Fax: (212)-891-1699
Email: jcreelan@jenner.com
ATTORNEY TO BE NOTICED

Plaintiff**The Protect Democracy Project, Inc.**

represented by **Allison Murphy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carl Nicholas Wedoff
(See above for address)
ATTORNEY TO BE NOTICED

Katherine Anne Rosoff
(See above for address)
ATTORNEY TO BE NOTICED

Jeremy Micah Creelan
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Justice

represented by **Casey Kyung–Se Lee**
United States Attorney's Office SDNY
86 Chambers St., 3rd Floor
New York, NY 10007
212–637–2800
Fax: 212–637–2686
Email: casey.lee@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Department of Homeland Security

represented by **Casey Kyung–Se Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Office of Management and Budget

represented by **Casey Kyung–Se Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. General Services Administration

represented by **Casey Kyung–Se Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Social Security Administration

represented by **Casey Kyung–Se Lee**
United States Attorney's Office SDNY
86 Chambers St.
New York, NY 10007
212–637–2800
Fax: 212–637–2686
Email: casey.lee@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/21/2017	<u>1</u>	COMPLAINT against Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice. (Filing Fee \$ 400.00, Receipt Number 0208–14038061) Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Creelan, Jeremy) (Entered: 08/21/2017)
08/21/2017	<u>2</u>	CIVIL COVER SHEET filed. (Creelan, Jeremy) (Entered: 08/21/2017)
08/21/2017	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Homeland Security, re: <u>1</u> Complaint,. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Creelan, Jeremy) (Entered: 08/21/2017)
08/21/2017	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Justice, re: <u>1</u> Complaint,. Document filed by Brennan Center for Justice, The Protect Democracy

		Project, Inc.. (Creelan, Jeremy) (Entered: 08/21/2017)
08/21/2017	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Office of Management and Budget, re: <u>1</u> Complaint,. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Creelan, Jeremy) (Entered: 08/21/2017)
08/22/2017	<u>6</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Homeland Security. (rch) (Entered: 08/22/2017)
08/22/2017	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Justice. (rch) (Entered: 08/22/2017)
08/22/2017	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to Office of Management and Budget. (rch) (Entered: 08/22/2017)
08/22/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Katherine B. Forrest. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (rch) (Entered: 08/22/2017)
08/22/2017		Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (rch) (Entered: 08/22/2017)
08/22/2017		Case Designated ECF. (rch) (Entered: 08/22/2017)
09/06/2017	<u>9</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint, served. U.S. Department of Homeland Security served on 8/28/2017, answer due 9/27/2017. Service was made by CERTIFIED MAIL. Document filed by Brennan Center for Justice; The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Exhibit A – Executed Summons)(Creelan, Jeremy) (Entered: 09/06/2017)
09/06/2017	<u>10</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint, served. U.S. Department of Justice served on 8/28/2017, answer due 9/27/2017. Service was made by CERTIFIED MAIL. Document filed by Brennan Center for Justice; The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Exhibit A – Executed Summons)(Creelan, Jeremy) (Entered: 09/06/2017)
09/06/2017	<u>11</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint, served. Office of Management and Budget served on 8/28/2017, answer due 9/27/2017. Service was made by CERTIFIED MAIL. Document filed by Brennan Center for Justice; The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Exhibit A – Executed Summons)(Creelan, Jeremy) (Entered: 09/06/2017)
09/11/2017	<u>12</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration.Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. Related document: <u>1</u> Complaint,.(Creelan, Jeremy) (Entered: 09/11/2017)
09/11/2017	<u>13</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. General Services Administration, re: <u>12</u> Amended Complaint,. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Creelan, Jeremy) (Entered: 09/11/2017)
09/12/2017	<u>14</u>	ELECTRONIC SUMMONS ISSUED as to U.S. General Services Administration. (pc) (Entered: 09/12/2017)
09/13/2017	<u>15</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Complaint, served. Office of Management and Budget served on 9/8/2017, answer due 10/10/2017; U.S. Department of Homeland Security served on 9/8/2017, answer due 10/10/2017; U.S. Department of Justice served on 9/8/2017, answer due 10/10/2017. Service was made by CERTIFIED MAIL. Document filed by Brennan Center for Justice; The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Exhibit A – Executed

		Summonses)(Creelan, Jeremy) (Entered: 09/13/2017)
09/15/2017	<u>16</u>	ORDER: Accordingly, the Court hereby directs the parties to confer and file a joint letter proposing a briefing schedule in this matter. The joint letter shall be filed by the parties not later than Friday, September 29, 2017. Additionally, it is hereby ORDERED that lead counsel for all parties shall appear for an initial pretrial conference ("IPTC") on Wednesday October 4, 2017 at 1:00 pm. All counsel in receipt of this order shall notify all other parties (or, if order and with a copy of the Courts Individual Practices in Civil Cases. Counsel shall file proof of such service with the Court. Requests for adjournments shall be submitted at least two business days prior to the IPTC.known, their attorneys) of the IPTC by serving each of them with a copy of this Initial Conference set for 10/4/2017 at 1:00 PM before Judge Katherine B. Forrest. (Signed by Judge Katherine B. Forrest on 9/15/2017) (js) (Entered: 09/15/2017)
09/19/2017	<u>17</u>	CERTIFICATE OF SERVICE of this Court's Order, dated September 15, 2017; this Court's Individual Practices in Civil Cases served on AUSA Casey Kyung-Se Lee on September 18, 2017. Service was made by CERTIFIED MAIL. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Wedoff, Carl) (Entered: 09/19/2017)
09/20/2017	<u>18</u>	NOTICE OF APPEARANCE by Casey Kyung-Se Lee on behalf of Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration. (Lee, Casey) (Entered: 09/20/2017)
09/27/2017	<u>19</u>	SUMMONS RETURNED EXECUTED (FOIA CASE) Summons and Amended Complaint, served. U.S. General Services Administration served on 9/27/2017, answer due 10/27/2017. Service was made by CERTIFIED MAIL. Document filed by Brennan Center for Justice; The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Exhibit A – Executed Summons)(Creelan, Jeremy) (Entered: 09/27/2017)
09/27/2017	<u>20</u>	LETTER MOTION for Extension of Time to File <i>a joint letter regarding a briefing schedule from September 29, 2017 to November 15, 2017, and to grant an adjournment of the initial pre-trial conference, currently scheduled for October 4, 2017</i> addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated September 27, 2017. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 09/27/2017)
09/29/2017	<u>21</u>	ORDER granting <u>20</u> LETTER MOTION for Extension of Time to File a joint letter regarding a briefing schedule from September 29, 2017 to November 15, 2017, and to grant an adjournment of the initial pre-trial conference, currently scheduled for October 4, 2017 addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated September 27, 2017. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc. Ordered. Application granted. IPTC rescheduled to 11/17/17 at 12:30 pm. (Signed by Judge Katherine B. Forrest on 9/29/2017) (rjm) (Entered: 09/29/2017)
09/29/2017		Set/Reset Hearings: Initial Conference set for 11/17/2017 at 12:30 PM before Judge Katherine B. Forrest. (rjm) (Entered: 09/29/2017)
10/11/2017	<u>22</u>	ANSWER to <u>12</u> Amended Complaint,. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration.(Lee, Casey) (Entered: 10/11/2017)
11/08/2017	<u>23</u>	ORDER:: With apologies, the Court must reschedule the initial pretrial conference("IPTC") currently scheduled for Friday, November 17, 2017 at 12:30 p.m. The IPTC will now be held on Tuesday, November 21, 2017 at 1:00 p.m. The parties shall comply with all other instructions as set forth in the Court's September 29, 2017 Order. (ECF No. 21.) Initial Conference set for 11/21/2017 at 01:00 PM before Judge Katherine B. Forrest. (Signed by Judge Katherine B. Forrest on 11/8/2017) (js) (Entered: 11/08/2017)
11/15/2017	<u>24</u>	JOINT LETTER addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated November 15, 2017 re: a proposed briefing schedule. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 11/15/2017)

11/20/2017	<u>25</u>	LETTER addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated November 20, 2017 re: Plaintiffs' position concerning a reasonable production schedule for responsive FOIA records in advance of the November 21, 2017 scheduling conference. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 11/20/2017)
11/21/2017	<u>26</u>	LETTER addressed to Judge Katherine B. Forrest from Casey K. Lee dated November 21, 2017 re: Plaintiffs' Proposed Production Schedule. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration.(Lee, Casey) (Entered: 11/21/2017)
11/21/2017		Minute Entry for proceedings held before Judge Katherine B. Forrest: Initial Pretrial Conference held on 11/21/2017. (jp) (Entered: 11/21/2017)
11/27/2017	<u>27</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 11/21/2017 before Judge Katherine B. Forrest. Court Reporter/Transcriber: Steven Greenblum, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/18/2017. Redacted Transcript Deadline set for 12/28/2017. Release of Transcript Restriction set for 2/26/2018.(McGuirk, Kelly) (Entered: 11/27/2017)
11/27/2017	<u>28</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/21/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/27/2017)
11/29/2017	<u>29</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 11/21/2017 before Judge Katherine B. Forrest. Court Reporter/Transcriber: Steven Greenblum, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/20/2017. Redacted Transcript Deadline set for 1/2/2018. Release of Transcript Restriction set for 2/27/2018.(McGuirk, Kelly) (Entered: 11/29/2017)
11/29/2017	<u>30</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/21/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/29/2017)
12/04/2017	<u>31</u>	LETTER addressed to Judge Katherine B. Forrest from Casey K. Lee dated December 4, 2017 re: Defendants' FOIA Productions. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration.(Lee, Casey) (Entered: 12/04/2017)
12/05/2017	<u>32</u>	MEMO ENDORSED on re: <u>31</u> Letter, filed by U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, Office of Management and Budget. ENDORSEMENT: This letter is very helpful it explains certain FOIA issues with which the Court was unfamiliar. Plaintiff's should respond to the instant letter as discussed at the conference (by 12/7/2017). (Signed by Judge Katherine B. Forrest on 12/5/2017) (js) (Entered: 12/05/2017)
12/07/2017	<u>33</u>	LETTER addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated December 7, 2017 re: a response to the Government's December 4, 2017 letter to the Court (Dkt. No. 31). Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 12/07/2017)
12/12/2017	<u>34</u>	MEMO ENDORSEMENT on re: <u>33</u> Letter, filed by Brennan Center for Justice, The Protect Democracy Project, Inc. ENDORSEMENT: Ordered. If plaintiffs have set forth the arguments they intend to rely on herein, I see no reason for more "formal" briefing. Defendants shall confer with plaintiffs and if Plaintiffs are content to rely on these papers, then defendants shall respond by December 22, 2017. If plaintiffs would

		prefer formal briefing, the schedule above is fine. Let the Court Know which process you select.(Motions due by 12/22/2017. Responses due by 1/12/2018, Replies due by 1/19/2018.) (Signed by Judge Katherine B. Forrest on 12/12/2017) (js) (Entered: 12/12/2017)
12/14/2017	<u>35</u>	LETTER MOTION for Leave to File Reply addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated December 14, 2017. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 12/14/2017)
12/15/2017	<u>36</u>	ORDER granting <u>35</u> Letter Motion for Leave to File Document. Ordered you can file a reply on 12/29/2017. So Ordered. (Signed by Judge Katherine B. Forrest on 12/15/2017) (js) (Entered: 12/15/2017)
12/15/2017		Set/Reset Deadlines: Replies due by 12/29/2017. (js) (Entered: 12/15/2017)
12/22/2017	<u>37</u>	LETTER addressed to Judge Katherine B. Forrest from Casey K. Lee dated December 22, 2017 re: Reply to Plaintiffs' December 7, 2017, Response Letter. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration. (Attachments: # <u>1</u> Exhibit Declaration of Vanessa R. Brinkmann, # <u>2</u> Exhibit Declaration of Paul P. Colborn, # <u>3</u> Exhibit Declaration of James V.M.L. Holzer)(Lee, Casey) (Entered: 12/22/2017)
12/29/2017	<u>38</u>	LETTER addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated December 29, 2017 re: Response to Defendants December 22, 2017 Letter to the Court. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 12/29/2017)
01/03/2018	<u>39</u>	LETTER addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated January 3, 2018 re: Disbandment of the Presidential Advisory Commission on Election Integrity. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 01/03/2018)
01/10/2018	<u>40</u>	LETTER addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated January 10, 2018 re: Plaintiffs' preliminary injunction motion, and Defendant's completion of document production. Document filed by Brennan Center for Justice.(Creelan, Jeremy) (Entered: 01/10/2018)
01/12/2018	<u>41</u>	LETTER addressed to Judge Katherine B. Forrest from Casey K. Lee dated January 12, 2018 re: Plaintiffs' January 10, 2018 Letter. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration.(Lee, Casey) (Entered: 01/12/2018)
01/31/2018	<u>42</u>	OPINION & ORDER: For the reasons stated above, the Court concludes that preliminary relief is not warranted in this case. Accordingly, plaintiffs' motion for a preliminary injunction requiring DHS to produce all responsive documents not later than February 28, 2018 is DENIED. The Clerk of Court is directed to close all currently open motions. SO ORDERED. (Signed by Judge Katherine B. Forrest on 1/31/2018) (mml) (Entered: 01/31/2018)
02/08/2018	<u>43</u>	ORDER: By Opinion & Order dated January 31, 2018, this Court denied plaintiffs' request for a preliminary injunction requiring the Department of Homeland Security ("DHS") to complete its disclosure not later than February 28, 2018. (ECF No. 42.) Given that plaintiffs have consented to defendants' proposed timelines for the remaining five agencies at issue (ECF No. 33 at 1-2; ECF No. 40), the Court believes that no further relief is warranted and that this action should be dismissed as moot. Plaintiffs are directed to inform the Court not later than Wednesday, February 14, 2018 if they disagree with that assessment. (Signed by Judge Katherine B. Forrest on 2/7/2018) (js) (Entered: 02/08/2018)
02/09/2018	<u>44</u>	LETTER addressed to Judge Katherine B. Forrest from Jeremy M. Creelan dated February 9, 2018 re: Response to the Court's February 8, 2018 Order, Dkt. No. <u>43</u> . Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 02/09/2018)
02/13/2018	<u>45</u>	ORDER: In light of the plaintiffs' letter at ECF No. 44 (and the apparent agreement of both parties), the Court is persuaded that this action is not moot at this time. The

		parties are hereby directed to file a joint letter regarding the status of this litigation not later than Monday, August 13, 2018. If any disputes should arise prior to that date that require the Court's attention, the parties are free to write the Court at that time. SO ORDERED. (Signed by Judge Katherine B. Forrest on 2/13/2018) (mml) (Entered: 02/13/2018)
04/12/2018	<u>46</u>	MOTION for Leave to File Supplemental Complaint . Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 04/12/2018)
04/12/2018	<u>47</u>	NOTICE OF APPEARANCE by Carl Nicholas Wedoff on behalf of Brennan Center for Justice, The Protect Democracy Project, Inc.. (Wedoff, Carl) (Entered: 04/12/2018)
04/12/2018	<u>48</u>	DECLARATION of Carl N. Wedoff in Support re: <u>46</u> MOTION for Leave to File Supplemental Complaint .. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Exhibit 1 – Amended Complaint, # <u>2</u> Exhibit 2 – Supplemental Complaint)(Wedoff, Carl) (Entered: 04/12/2018)
05/02/2018	<u>49</u>	ORDER granting <u>46</u> Letter Motion for Leave to File Document. The Court is in receipt of plaintiffs' motion for leave to file a supplemental complaint. (ECF No. 46.) That motion is hereby GRANTED as unopposed. Plaintiffs are directed to file the supplemental complaint as its own individual document on the public docket. Defendants are directed to answer/respond in accordance with the applicable Local Rules. The Clerk of Court is directed to close the open motion at ECF No. 46. So Ordered. (Signed by Judge Katherine B. Forrest on 5/2/2018) (js) (Entered: 05/02/2018)
05/03/2018	<u>50</u>	COMPLAINT against Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 05/03/2018)
05/03/2018		***STRICKEN DOCUMENT. Deleted document number 50 from the case record. The document was stricken from this case pursuant to <u>52</u> Order on Motion for Leave to File Document. (js) (Entered: 05/07/2018)
05/04/2018	<u>51</u>	LETTER MOTION for Leave to File /Re–file Plaintiffs' Supplemental Complaint with Corrected Caption and Date addressed to Judge Katherine B. Forrest from Carl N. Wedoff dated May 4, 2018. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Wedoff, Carl) (Entered: 05/04/2018)
05/07/2018	<u>52</u>	ORDER granting <u>51</u> Letter Motion for Leave to File Document. So Ordered. (Signed by Judge Katherine B. Forrest on 5/7/2018) (js) (Entered: 05/07/2018)
05/07/2018		Transmission to the Case Openings Clerk. Transmitted re: <u>52</u> Order on Motion for Leave to File Document, to the Case Openings Clerk for case processing. (js) (Entered: 05/07/2018)
05/07/2018	<u>53</u>	COMPLAINT against Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 05/07/2018)
05/07/2018	<u>54</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Social Security Administration, re: <u>53</u> Complaint,. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Creelan, Jeremy) (Entered: 05/07/2018)
05/10/2018	<u>55</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Social Security Administration. (pc) (Entered: 05/10/2018)
06/01/2018	<u>56</u>	NOTICE OF APPEARANCE by Casey Kyung–Se Lee on behalf of U.S. Social Security Administration. (Lee, Casey) (Entered: 06/01/2018)
06/08/2018	<u>57</u>	LETTER addressed to Judge Katherine B. Forrest from Casey K. Lee dated June 8, 2018 re: U.S. Dep't of Homeland Security FOIA Statistics. Document filed by U.S. Department of Homeland Security. (Attachments: # <u>1</u> Exhibit Holzer Supplemental Declaration)(Lee, Casey) (Entered: 06/08/2018)

06/13/2018	<u>58</u>	ANSWER to <u>53</u> Complaint,. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration.(Lee, Casey) (Entered: 06/13/2018)
06/15/2018	<u>59</u>	ORDER: The Court is in receipt of the supplemental complaint in this matter (ECF No. 53), as well as the supplemental answer (ECF No. 58). The parties are directed to file a joint letter not later than Friday, June 22, 2018, informing the Court whether they believe this matter is appropriately resolved on the papers. If so, the letter should include a proposed briefing schedule. (Signed by Judge Katherine B. Forrest on 6/15/2018) (mro) (Entered: 06/18/2018)
06/22/2018	<u>60</u>	LETTER MOTION for Extension of Time <i>to Submit a Briefing Schedule to August 15, 2018</i> addressed to Judge Katherine B. Forrest from Carl N. Wedoff dated June 22, 2018. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Wedoff, Carl) (Entered: 06/22/2018)
06/25/2018	<u>61</u>	ORDER granting <u>60</u> Letter Motion for Extension of Time. So Ordered. (Signed by Judge Katherine B. Forrest on 6/25/2018) (rro) (Entered: 06/25/2018)
08/13/2018	<u>62</u>	LETTER MOTION for Extension of Time <i>to Submit a Briefing Schedule to September 7, 2018</i> addressed to Judge Katherine B. Forrest from Carl N. Wedoff dated August 13, 2018. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Wedoff, Carl) (Entered: 08/13/2018)
08/14/2018	<u>63</u>	ORDER granting <u>62</u> Letter Motion for Extension of Time. So Ordered. (Signed by Judge Katherine B. Forrest on 8/14/2018) (js) (Entered: 08/14/2018)
08/20/2018	<u>64</u>	ORDER: The parties are hereby directed to appear for a telephonic status conference on Thursday, October 4, 2018, at 2:00 p.m. The parties shall provide Chambers with a call-in number ahead of the conference, unless the Court orders otherwise. So Ordered (Telephone Conference set for 10/4/2018 at 02:00 PM before Judge Katherine B. Forrest.) (Signed by Judge Katherine B. Forrest on 8/20/2018) (js) (Entered: 08/20/2018)
09/07/2018	<u>65</u>	LETTER addressed to Judge Katherine B. Forrest from Carl N. Wedoff dated September 7, 2018 re: a proposal of the summary judgment briefing schedule. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Wedoff, Carl) (Entered: 09/07/2018)
09/11/2018	<u>66</u>	MEMO ENDORSEMENT on re: <u>65</u> Letter filed by Brennan Center for Justice, The Protect Democracy Project, Inc. ENDORSEMENT: So ordered. (Motions due by 11/30/2018, Responses due by 1/4/2019, Replies due by 1/18/2019.) (Signed by Judge Katherine B. Forrest on 9/11/2018) (ne) (Entered: 09/11/2018)
09/20/2018		NOTICE OF CASE REASSIGNMENT to Judge Alison J. Nathan. Judge Katherine B. Forrest is no longer assigned to the case. (sjo) (Entered: 09/20/2018)
09/26/2018		NOTICE OF CASE REASSIGNMENT to Judge Alvin K. Hellerstein. Judge Alison J. Nathan is no longer assigned to the case. (sjo) (Entered: 09/26/2018)
10/02/2018	<u>67</u>	LETTER MOTION to Adjourn Conference / <i>Cancel Telephonic Conference, currently scheduled for October 4, 2018 at 2:00 p.m., or adjourn it to a later date</i> addressed to Judge Alvin K. Hellerstein from Carl N. Wedoff dated October 2, 2018. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Wedoff, Carl) (Entered: 10/02/2018)
10/02/2018	68	ORDER granting in part and denying in part <u>67</u> Letter Motion to Adjourn Conference. The request by all parties to adjourn the telephone conference scheduled for October 4 is granted. Counsel will meet with me for a status conference to be held October 12, 2018, 10:00 a.m., courtroom 14D. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 10/02/2018)
10/02/2018	<u>69</u>	NOTICE OF APPEARANCE by Katherine Anne Rosoff on behalf of Brennan Center for Justice, The Protect Democracy Project, Inc.. (Rosoff, Katherine) (Entered: 10/02/2018)

10/12/2018	<u>70</u>	SCHEDULING ORDER: On October 12, 2018, the Court held an off-the-record status conference. The Plaintiffs shall file any motions on document production issues by October 19, 2018. Defendants shall file any opposition by October 26, 2018, and Plaintiffs shall file any reply by October 31, 2018. Oral argument shall be held on November 8, 2018, at 11 a.m. The September 11, 2018 briefing schedule for motions for summary judgment, ECF 66, is rescinded. A new schedule for motions for summary judgment will await rulings on Plaintiffs' document production motions. SO ORDERED. (Motions due by 10/19/2018. Responses due by 10/26/2018. Replies due by 10/31/2018. Oral Argument set for 11/8/2018 at 11:00 AM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 10/12/2018) (ne) (Entered: 10/12/2018)
10/12/2018		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Status Conference held on 10/12/2018, (Motions due by 10/19/2018., Replies due by 10/31/2018., Responses due by 10/26/2018, Oral Argument set for 11/8/2018 at 11:00 AM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein.). (Jones, Brigitte) (Entered: 10/16/2018)
10/17/2018	<u>71</u>	LETTER MOTION for Extension of Time <i>and/or Clarification of the Court's October 12, 2018, Order</i> addressed to Judge Alvin K. Hellerstein from Casey K. Lee dated October 17, 2018. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration.(Lee, Casey) (Entered: 10/17/2018)
10/17/2018	<u>72</u>	ORDER granting <u>71</u> Letter Motion for Extension of Time. Plaintiff may choose the issue it wishes to litigate. Deft's request for an enlargement of time is granted. (Signed by Judge Alvin K. Hellerstein on 10/17/2018) (rro) (Entered: 10/18/2018)
10/18/2018	<u>73</u>	LETTER addressed to Judge Alvin K. Hellerstein from Carl N. Wedoff dated October 18, 2018 re: Motion on Document Production Issues. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Wedoff, Carl) (Entered: 10/18/2018)
10/19/2018	<u>74</u>	MEMO ENDORSEMENT on re: <u>73</u> Letter filed by Brennan Center for Justice, The Protect Democracy Project, Inc. ENDORSEMENT: So ordered. The oral argument is adjourned to November 20, 2018 at 11:00 am. (Oral Argument set for 11/20/2018 at 11:00 AM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 10/19/2018) (ne) (Entered: 10/19/2018)
10/26/2018	<u>75</u>	MOTION to Compel Defendants to Produce Documents . Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc..(Creelan, Jeremy) (Entered: 10/26/2018)
10/26/2018	<u>76</u>	MEMORANDUM OF LAW in Support re: <u>75</u> MOTION to Compel Defendants to Produce Documents . . Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Creelan, Jeremy) (Entered: 10/26/2018)
10/26/2018	<u>77</u>	DECLARATION of Carl N. Wedoff in Support re: <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25)(Wedoff, Carl) (Entered: 10/26/2018)
10/26/2018	<u>78</u>	AFFIRMATION of Carl N. Wedoff re: <u>75</u> MOTION to Compel Defendants to Produce Documents ., <u>76</u> Memorandum of Law in Support of Motion, <u>77</u> Declaration in Support of Motion,, – <i>AFFIRMATION OF SERVICE</i> . Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Wedoff, Carl) (Entered: 10/26/2018)
11/09/2018	<u>79</u>	CROSS MOTION for Partial Summary Judgment . Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration.(Lee, Casey) (Entered: 11/09/2018)

11/09/2018	<u>80</u>	MEMORANDUM OF LAW in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents . <i>Opposition to Plaintiffs' Motion</i> . Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Lee, Casey) (Entered: 11/09/2018)
11/09/2018	<u>81</u>	DECLARATION of Casey K. Lee in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Attachments: # <u>1</u> Exhibit Oct. 30, 2017 E-mail from Lee to Deininger, # <u>2</u> Exhibit Nov. 2, 2017 e-mail from Wedoff to Lee et al., # <u>3</u> Exhibit Sept. 6, 2017 e-mail from Lee to Wedoff, # <u>4</u> Exhibit Sept. 7, 2017 e-mail from Wedoff to Lee, # <u>5</u> Exhibit Jan. 29, 2018 letter from DHS to Brennan Center)(Lee, Casey) (Entered: 11/09/2018)
11/09/2018	<u>82</u>	DECLARATION of Vanessa R. Brinkmann in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Lee, Casey) (Entered: 11/09/2018)
11/09/2018	<u>83</u>	DECLARATION of Paul P. Colborn in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Attachments: # <u>1</u> Exhibit May 15, 2017 FOIA Request to OLC, # <u>2</u> Exhibit June 8, 2017 Letter, # <u>3</u> Exhibit July 25, 2017 FOIA Request to OLC, # <u>4</u> Exhibit July 26, 2017 Letter, # <u>5</u> Exhibit Dec. 29, 2017 Letter, # <u>6</u> Exhibit Mar. 30, 2018 Letter, # <u>7</u> Exhibit Apr. 13, 2018 Letter)(Lee, Casey) (Entered: 11/09/2018)
11/09/2018	<u>84</u>	DECLARATION of Tink Cooper in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Attachments: # <u>1</u> Exhibit July 12, 2017 CRT Response to May 15, 2017 FOIA Request)(Lee, Casey) (Entered: 11/09/2018)
11/09/2018	<u>85</u>	DECLARATION of Travis Lewis in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Attachments: # <u>1</u> Exhibit May 15, 2017 and July 25, 2017 FOIA Requests, # <u>2</u> Exhibit GSA Records Management Program Policy)(Lee, Casey) (Entered: 11/09/2018)
11/09/2018	<u>86</u>	DECLARATION of C.T. Monica Chyn in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Attachments: # <u>1</u> Exhibit SSA Admin. Instructions Manual System)(Lee, Casey) (Entered: 11/09/2018)
11/09/2018	<u>87</u>	DECLARATION of Heather V. Walsh in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Lee, Casey) (Entered: 11/09/2018)
11/09/2018	<u>88</u>	DECLARATION of James V.M.L. Holzer in Support re: <u>79</u> CROSS MOTION for Partial Summary Judgment ., <u>75</u> MOTION to Compel Defendants to Produce Documents .. Document filed by Office of Management and Budget, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. General Services Administration, U.S. Social Security Administration. (Attachments: # <u>1</u> Exhibit

		Secretary Nielsen QFRs)(Lee, Casey) (Entered: 11/09/2018)
11/14/2018	<u>89</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Allison F. Murphy to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–15910842. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Certificate of Good Standing (DC), # <u>3</u> Certificate of Good Standing (VA), # <u>4</u> Text of Proposed Order)(Murphy, Allison) Modified on 11/14/2018 (jc). (Entered: 11/14/2018)
11/14/2018		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>89</u> MOTION for Allison F. Murphy to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–15910842. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of Virginia (our court does not accept state bar certificates for Virginia). Re–file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Attorney Affidavit/Declaration – attach Proposed Order. (jc) (Entered: 11/14/2018)
11/14/2018	<u>90</u>	REPLY MEMORANDUM OF LAW in Support re: <u>75</u> MOTION to Compel Defendants to Produce Documents . / <i>Plaintiffs' Reply Memorandum of Law in Support of Motion to Compel Defendants to Produce Document and Opposition to Defendants' Cross–Motion for Partial Summary Judgment.</i> Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Creelan, Jeremy) (Entered: 11/14/2018)
11/20/2018		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Oral Argument held on 11/20/2018 re: <u>75</u> MOTION to Compel Defendants to Produce Documents . filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. Decision Reserved. (Jones, Brigitte) (Entered: 12/05/2018)
11/30/2018	<u>91</u>	MOTION for Allison F. Murphy to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–15984695. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Brennan Center for Justice, The Protect Democracy Project, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> D.C. certificate, # <u>3</u> Virginia certificate, # <u>4</u> Text of Proposed Order)(Murphy, Allison) (Entered: 11/30/2018)
11/30/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>91</u> MOTION for Allison F. Murphy to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–15984695. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 11/30/2018)
11/30/2018	<u>92</u>	TRANSCRIPT of Proceedings re: argument held on 11/20/2018 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Kristen Carannante, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/21/2018. Redacted Transcript Deadline set for 12/31/2018. Release of Transcript Restriction set for 2/28/2019.(McGuirk, Kelly) (Entered: 11/30/2018)
11/30/2018	<u>93</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a argument proceeding held on 11/20/18 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/30/2018)
12/03/2018	<u>94</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>91</u> Motion for Allison F. Murphy to Appear Pro Hac Vice. (Signed by Judge Alvin K. Hellerstein on 12/3/2018) (ne) (Entered: 12/03/2018)